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Letter dated 31 January 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I should like to transmit to you herewith a letter dated 30 January 2003 from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, containing Iraq's comments on the statement of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) delivered before the Security Council on 27 January 2003.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Aldouri**
Ambassador
Permanent Representative

03-23399 (E) 040203 040203

Annex to the letter dated 31 January 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

Owing to the unlawful conditions imposed by the United States on the exercise by States Members of the United Nations of their right, stipulated in Articles 31 and 32 of the Charter, to participate in the discussion by the Security Council of questions which affect their interests or to which they are a party, and inasmuch as letters constitute the basic means of presenting our view to the Council, I address to you this letter containing our comments on the statement delivered by Mr. Hans Blix, Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), at the official meeting of the Security Council held on 27 January 2003 (S/PV.4692).

Before presenting our detailed comments on a number of paragraphs contained in the UNMOVIC statement, I should like to point out that the report was stinting in its account of Iraq's cooperation with UNMOVIC, but elaborate in its review of negative hypotheses and unsubstantiated allegations regarding Iraq's record in fulfilling its disarmament commitments. A number of examples follow:

1. The UNMOVIC statement indicates that "Iraq appears not to have come to a genuine acceptance — not even today — of the disarmament".

This accusation is untrue and contradicts the actual facts known to the competent officials, important quarters and world public opinion media. Iraq has made every effort required to implement Security Council resolution 1441 (2002), in addition to what had been achieved previously in the field of disarmament and monitoring thanks to Iraq's cooperation. This was recognized by the now disbanded United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA). Indeed, the Agency announced that it had achieved 100 per cent disarmament, and Mr. Rolf Ekeus, the former Executive Chairman of UNSCOM, announced in 1993 that he had achieved 95 per cent of the task of disarmament. It is deplorable that such a judgement should be passed after Iraq has shown two months of unparalleled complete cooperation with UNMOVIC and IAEA in order to comply with resolution 1441 (2002).

2. The UNMOVIC statement contains the following remark: "Iraq claims — with little evidence — that it destroyed all biological weapons unilaterally in 1991".

What Iraq has declared is not a mere allegation, for it supported its declaration concerning the unilateral destruction of biological weapons with irrefutable evidence. However, the then Executive Chairman of the now defunct UNSCOM, Mr. Butler, ignored and disregarded that evidence for reasons connected with his biased political stance against Iraq, a stance well known to the Secretariat of the United Nations, the Security Council and the international media. What is more, all the inspections and ongoing monitoring activities in the biological sphere that continued from March 1991 to the end of December 1998 and included 1782 inspection operations in addition to biological monitoring did not show any indication of the existence of proscribed biological materials or activities in Iraq. Were not the inspection and monitoring operations performed by UNSCOM and UNMOVIC starting in 1991 sufficient to demonstrate the truth of the Iraqi declarations and the absence of any indication to the contrary?

3. With regard to the two concepts of cooperation, i.e. relating "to both substance and process", I should like to point out that the literature on disarmament in respect of weapons of mass destruction does not refer to any such distinction. Perhaps the distinction was devised out of a wish on the part of some elements of UNMOVIC to hide the facts about Iraq's cooperation from the Security Council and the international community. Iraq's positive attitude of compliance and unlimited cooperation with the UNMOVIC and IAEA teams and inspectors did not merely involve "opening doors", as claimed by those who do not want the world to be aware of that cooperation, but went beyond that and included providing information, answering questions, submitting documents and samples, facilitating meetings and ensuring that the visits were marked by ease and convenience, despite the fact that their number and the related procedures exceeded all those agreed upon during the earlier period, from 1991 to 1998.

4. On the subject of the U-2 plane, it was indicated in the UNMOVIC statement that Iraq had refused to guarantee its safety and wanted to impose a number of conditions. Yet this does not constitute a subtle shift in Iraq's position. Iraq stated that it was not in a position to guarantee the safety of the U-2 aircraft owing to the daily armed violations of Iraq's airspace, territory and sovereignty carried out by United States and British warplanes in the unlawful areas referred to as "no-fly zones", their attacks on the cities and villages of Iraq and its citizens in those zones and the performance by Iraqi air defences of their rightful duty of self-defence and resistance to those hostile aircraft. For that reason Iraq proposed that notice of every flight should be given in advance, which is the procedure that was followed in the past; that the hostile and warlike United States and British operations of violating Iraqi airspace should be halted during the U-2 sorties; and, furthermore, that there should not be any aggression against radar installations at Iraqi civil airports in Basra and Mosul. UNMOVIC was in agreement regarding the first point, i.e. prior notice, and Iraq did not insist on the third point, relating to radar equipment. On the second point, however, UNMOVIC replied that resolution 1441 (2002) provides that Iraq is responsible for the safety of the U-2 aircraft under all circumstances. Iraq answered that the same resolution required all States to respect Iraq's sovereignty, independence and territorial integrity. In other words, the resolution prohibits the United States and Great Britain from continuing their hostile air operations in the so-called "no-fly zones" and they are required to comply with it just as Iraq is required to comply with such resolutions. Yet UNMOVIC informed us that it could not make such a request of the United States and Great Britain.

5. The UNMOVIC statement expresses the Commission's annoyance at civilian demonstrations and protests in the media over questions of an intelligence character that were posed by some inspectors and over the inspection of a Baghdad mosque. The UNMOVIC statement exaggerates, making an inaccurate political judgement. It has no evidence on which to base its statement that "demonstrations and outbursts of this kind are unlikely to occur in Iraq without initiative or encouragement from the authorities".

The inspection of the mosque in Baghdad on 19 January 2003 is referred to in the UNMOVIC statement as "a sightseeing excursion by five inspectors", but it was not that. All available indications point to the fact that it was an inspection operation conducted outside the mechanisms that have been agreed upon and followed, which involve accompaniment of the team of inspectors by the Iraqi side. The inspectors entered the mosque area in a vehicle bearing UNMOVIC insignia, presented

themselves as UNMOVIC inspectors. They asked why the Government of Iraq was building so many mosques and whether the mosque had a basement, as well as questions about the number of persons praying there, the proportion of young men among them and other questions having nothing whatsoever to do with sightseeing.

6. The UNMOVIC statement contained the remark that substantive cooperation required that Iraq should declare all programmes of weapons of mass destruction.

The least one can say about this insinuation is that it ignores the facts. Iraq has declared all its proscribed programmes and taken the necessary steps to eliminate them. What remains is not programmes of weapons of mass destruction but rather questions, mere questions about earlier programmes. The allegation that Iraq still has programmes of weapons of mass destruction is a shameful, politically motivated lie spread by the United States and its vassals for the purpose of keeping the disarmament file open-ended, maintaining the oppressive sanctions against Iraq and providing cover for aggression against it. If the American Administration had any real, convincing evidence to contradict the Iraqi declarations that Iraq is free of programmes of weapons of mass destruction, it would have presented it. Over the past two months the inspectors have carried out more than 518 tours of inspection, which began on 27 November 2002, and they have not found anything to contradict the Iraqi declarations or support the allegations of the American Administration and Mr. Tony Blair, the British Prime Minister.

7. The UNMOVIC statement was critical of Iraq for not having tried to respond to and submit supporting evidence regarding the outstanding disarmament issues in preparing its declaration of 7 December 2002.

Here, too, the statement tries to avoid the facts. In 1998 Iraq challenged the reliability and significance of the so-called "outstanding disarmament issues", which the Executive Chairman of the Special Commission, Mr. Butler, had inflated and exaggerated for obvious political reasons. The Security Council, at the Secretary-General's initiative, agreed to set a date for a comprehensive review of Iraq's fulfilment of its disarmament obligations in order to determine the status and significance of outstanding issues. The United States and the United Kingdom thwarted this effort and also put an end to the Special Commission by launching aggression against Iraq in December 1998. Following this aggression, the Security Council entrusted a panel, under the chairmanship of then Ambassador Amorim, to assess the disarmament situation in Iraq. In his report Ambassador Amorim stated that the bulk of Iraq's proscribed weapon programmes had been eliminated and referred to a point of impasse in the further investigation of the issues that the Special Commission considered to be outstanding, in particular because some certainty was inevitable in any country-wide technical verification process. Ambassador Amorim recommended the establishment of a reinforced monitoring system capable of dealing with remaining disarmament issues.

In paragraph 2 of its resolution 1284 (1999), the Security Council adopted Ambassador Amorim's recommendation that outstanding disarmament issues should be addressed in the framework of a reinforced system of ongoing monitoring and verification. UNMOVIC also adopted this recommendation and incorporated it into its organizational plan, which it submitted to the Security Council on 6 April 2000 (S/2000/292).

The foregoing shows that the so-called "outstanding disarmament issues" are not outstanding issues at all or are no longer such because the materials which the Commission alleged had not been destroyed are no longer viable or represent a minute portion of what was verified (1 to 3 per cent) or because the search for them has reached the point of diminishing returns. Iraq tried to discuss these issues at the discussion meetings held with representatives of the United Nations Secretariat on 2 May 2002 in New York and on 4 August 2002 in Vienna, and the competent Iraqi services tried to discuss them with the Executive Chairman of UNMOVIC during his visit to Iraq, on all of which occasions the Iraqi requests were met with refusals.

8. According to the UNMOVIC statement it is regrettable that our letter dated 24 January 2003 to the Secretary-General of the United Nations did not lead to the resolution of the outstanding issues.

A perusal of this letter shows that it refutes the statement, as it mentions that the responses to all the so-called outstanding issues are contained in Iraq's complete declaration and also indicates the page numbers where the responses may be found.

9. The UNMOVIC statement casts doubt on Iraq's declaration of 7 December 2002, which is supported by documents and evidence, and indicates that the Commission is in possession of information that contradicts Iraq's declaration, especially with regard to VX and anthrax.

How can Iraq dispel the doubts that the UNMOVIC statement raises about its declaration if it is not permitted access to this information?

In its complete declaration, Iraq provides evidence of what it is putting forward in this connection, and it is for UNMOVIC to refute this evidence. However, we are convinced that neither the Commission nor the Government of the United States holds any evidence that contradicts the Iraqi declaration.

10. The assertion in the UNMOVIC statement that there are discrepancies between the Iraqi declaration and the Air Force document is untrue. The apparent discrepancies referred to do not relate to the material balance, as all evidence brought forth in support of all material balances through the end of 1990 were handed over to the former UNSCOM, and the Iraqi side will clarify this point with the UNMOVIC experts.

11. Concerning the recent find of empty 122-millimetre warheads, Iraq proposed that a joint test be carried out to determine whether the warheads' engines are operational. We are convinced that the test will show that their engines have not been operational for a long time owing to the "seepage" of double-base propellant (migration of the nitroglycerine towards the surface). This test will also prove that all the above-mentioned warheads are unusable. However, we are still waiting for these warheads, which the UNMOVIC inspector asked about, to be tested. We have conducted our own inquiry and have not found any other 122-millimetre warheads, or any other banned material, to date. The inquiry is being conducted in other stores throughout the Iraqi territory, and the Iraqi authorities will inform UNMOVIC of their findings as soon as they are in possession of complete information.

In its statement UNMOVIC asserts that the store in which the warheads was found was of relatively recent construction, which is untrue. The store was built 20 or so years ago, and was to be used as a hangar, not a store. It was not destroyed

during the 1991 aggression, and it has been assigned to the Mustafa project since the 1980s. The warheads found there had not been moved for 12 years.

12. The issue of the 650 kilograms of bacterial growth media, which is addressed in the report that Iraq submitted to Ambassador Amorim's Commission and which is not mentioned in Iraq's declaration of 7 December 2002, involved a measure to correct an error concerning Letter of Credit No. 88/4/96, explanations of which we will provide to UNMOVIC in a separate letter.

13. The allegation that Iraq did not provide information concerning the alleged use of a number of SCUD missiles as targets in the development of an anti-ballistic missile defence system during the 1980s is also untrue. Iraq submitted original documents, approved by the former UNSCOM, concerning the use of those missiles. Iraq also furnished a full exchange of letters between the Military Industrialization Corporation and the Ministry of Defence concerning those tests and the dates on which they took place. Finally, the Iraqi authorities held intensive technical discussions lasting several hours with the former UNSCOM, in the course of which they replied to all the Commission's questions concerning the research conducted under the project in question. This subject has never been revisited.

14. Concerning the 3,000 pages of Arabic documents found on 6 January 2003 in the apartment of an Iraqi physicist, Mr. Falleh Hamza, the UNMOVIC statement contains inaccurate and unjustified conclusions and suppositions.

The box that was apparently the object of the inspection was a large case containing approximately 200 kg of documents belonging to Mr. Faleh Hamza, which consisted of magazines and personal papers of the type commonly kept by many scientists. These papers were analysed for hours by the inspectors, who confiscated 3,000 pages.

Mr. Faleh Hamza, who had fortunately made photocopies of his documents before handing them over to the inspectors, said that the documents in question included:

- A copy of reports relating to his participation as a delegate in various conferences and scientific meetings from 1984 to 1989;
- Drafts and copies of reports and research papers to which he had contributed or was alleged to have personally contributed;
- Documents on research topics from the period since 1991, all of which were declared in Iraq's full declaration of 7 December 2002;
- Other documents of a personal nature;
- Reports issued by the Iraqi Atomic Energy Commission during the period 1985-1990, a time in which Mr. Hamza and others had participated in a number of research studies and projects, including a basic laser radioisotope separation project.

This research project, about which UNMOVIC had raised questions and which had been used in United States propaganda to paint an inaccurate picture of Iraq's position and cooperation, is specifically mentioned in the second part of pages 1 to 30 of the full declaration submitted by Iraq on 7 December 2002, in which it is stated, on page 29, that Iraq's scientific and technological infrastructure is incapable of meeting such a challenge and that, consequently, the research in question is of

purely academic interest and thus is not included in the classified reports prepared by groups working on separating radioisotopes, all of which are listed in the full and complete declaration and are in the possession of IAEA.

In 1994 IAEA requested the holding of a meeting devoted to laser separation of radioisotopes; at the end of that meeting the Iraqi side delivered a copy of these studies to Mr. Gary Di Leone, head of the IAEA Task Force in Iraq. IAEA did not ask for any further details concerning this document, and its surrender is mentioned in IAEA report No. 26 of September 1994.

We do not understand why UNMOVIC goes so far in its report as to say that this is not an isolated case and that the presence of this document in Mr. Hamza's home is an act of deliberate deceit that may be only the "tip of the iceberg", indicating a consistent practice of hiding documents in private homes. UNMOVIC ought to have looked into the matter and verified that Iraq had in fact turned this document over to IAEA in 1994.

15. In its statement UNMOVIC said that it was concerned by the list submitted by Iraq of persons who had participated in previous programmes, which contained some 400 names. UNMOVIC compared this figure with the more than 3,500 persons who had worked on these programmes or had met with the United Nations Special Commission (UNSCOM) during the 1990s or whose existence had been revealed by various documents and other sources.

The names of the 400 scientists that were transmitted to UNMOVIC are consistent with the organizational chart of staff participating in previous programmes which UNMOVIC had requested from Iraq. Moreover, the list of persons who had met with UNSCOM also contained the names of drivers, porters, gardeners, guards, office staff and other individuals who were neither scientists nor technicians, were not shown on the organizational chart requested and had nothing to do with earlier programmes. Iraq has never turned down a request for a meeting with any of these individuals.

The foregoing observations relating to the statement by UNMOVIC confirm that the Commission, which is a technical body with very specific tasks in the area of disarmament and monitoring, should display greater transparency, objectivity and impartiality and should rely on its technical discussions with the Iraqi side so as to dispel any doubts it might have concerning a problem encountered in the course of its work. In addition, UNMOVIC should endeavour not to draw hasty conclusions that might soon prove to be inaccurate.

We should like to take this opportunity to reaffirm our strong commitment to continuing our cooperation with UNMOVIC and IAEA so that they may carry out the tasks entrusted to them under the resolutions of the Security Council and the Charter of the United Nations, thereby confirming that Iraq does not possess any weapons of mass destruction. This process is indispensable if the Security Council is to fulfil its obligations under these resolutions, namely to lift the criminal and immoral embargo imposed against the Iraqi people for over 12 years and to ensure, in accordance with the commitments it has undertaken in the relevant resolutions, including resolution 1441 (2001), respect for Iraq's sovereignty and territorial integrity. I should also like to draw the attention of the Secretariat of the United Nations and of the Security Council to the attempts which the United States of America and the United Kingdom have constantly made since 1991 to exert pressure

on the inspectors in their work for political purposes that are hostile to Iraq, thereby undermining the credibility of the United Nations and its disarmament and non-proliferation programme.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs of the Republic of Iraq